

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

PEIERLS FOUNDATION INC. and )  
E. JEFFREY PEIERLS, individually )  
and as trustee for Under Deed Ethel F. )  
Peierls for Brian E. Peierls, Under Deed )  
Ethel F. Peierls for E. Jeffrey Peierls, Under )  
Deed Edgar S. Peierls for Ethel F. Peierls et al., )  
Under Deed Jennie N. Peierls for Brian E. )  
Peierls, Under Deed Jennie N. Peierls for )  
E. Jeffrey Peierls, Under Will Jennie N. )  
Peierls for Brian E. Peierls, and Under )  
Will Jennie N. Peierls for E. Jeffrey Peierls )

Plaintiffs, )

v. )

JAMES E. RURKA, )  
MARK SKALETISKY, )  
PAUL J. MELLETT, )  
RICHARD ALDRICH, )  
KATE BINGHAM, )  
CHARLES W. NEWHALL III, )  
DAVID SCHNELL, )  
JOHN P. WALKER, )

Defendants. )

Civil Action No. 03-12213 EFH

**PLAINTIFFS' ASSENTED-TO MOTION FOR ENLARGEMENT OF TIME  
WITHIN WHICH TO OPPOSE DEFENDANTS' MOTION TO DISMISS**

Now come the Plaintiffs, with the assent of Defendants, and request this Court for a one-week extension to file their opposition to Defendants' Motion to Dismiss. As grounds therefor, Plaintiffs state as follows:

1. Plaintiffs filed this action under section 18 of the Securities Exchange Act of 1934 on November 10, 2003.

2. On February 17, 2004, as their pleading responsive to Plaintiffs' Complaint, Defendants filed Defendants' Motion to Dismiss.
3. Plaintiffs require a one-week extension of time to prepare their Opposition to Defendants' Motion.
4. This is Plaintiffs' first request for an extension of time to file their Opposition to Defendants' Motion to Dismiss. No prejudice will result to Defendants by the allowance of this Motion and, in fact, Defendants assent to the additional time.

WHEREFORE, Plaintiffs respectfully request that they be permitted to file their Opposition to Defendants' Motion to Dismiss on or before March 9, 2004.

Respectfully submitted,



David E. Marder, Esq. (BBO #552485)  
Attorney for Plaintiffs  
ROBINS, KAPLAN, MILLER & CIRESI L.L.P.  
111 Huntington Street, Suite 1300  
Boston, MA 02199  
(617) 267-2300

Dated: February 27, 2004

**LOCAL RULE 7.1(A)(2) CERTIFICATION**

I hereby certify that on February 26, 2004, counsel conferred in accordance with Local Rule 7.1 in an attempt to resolve or narrow the issue raised in this Motion, and that Defendants assent to this Motion.



David E. Marder

**CERTIFICATE OF SERVICE**

I hereby certify that on this 27<sup>th</sup> day of February, 2004, a true and correct copy of the above and foregoing was served via facsimile and first class mail, postage prepaid to: Steven W. Hansen, Esq. and Matthew C. Applebaum, Bingham McCutchen LLP 150 Federal Street Boston, MA 02110.



David E. Marder